



02-0-0107

CITY COUNCIL
ATLANTA, GEORGIA

SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-01-98
DATE FILED: 4-11-02

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **3607-3617-3625-3633 Habersham Road, N.W./23-31-41 Honour Avenue, N.W./3542-3550 Roswell Road, N.W.** be changed from the **R-4 (Single-Family Residential)** District, to the **RG-3-C (Residential General-Sector 3-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **98** of the **17th** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment

SECTION 3. That the maps referred to, now on file in the Office of Municipal Clerk, be changed to conform with the terms of this ordinance.

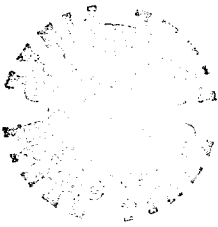
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, OMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 20, 2002
MAY 28, 2002



Conditions for Z-01-98

1. Site plan entitled "Habersham Mews, a Development by Eagle Real Estate Partners, LLC" prepared by Southern Civil Engineers, dated March 22, 2002, revised March 22, 2002 and marked received by the Bureau of Planning March 26, 2002.
2. The attached letter, dated 9 April 2002, and marked received by the City of Atlanta, Bureau of Planning April 17, 2002, consisting of four (4) pages, to John A. Bell, Assistant Director of Zoning and Planning from Robert L. Zoeckler, Attorney for Tuxedo Park Civic Association, Inc. is hereby considered a condition of this rezoning and its provisions shall be enforced as such, except that Condition #4 shall be modified to add the words "If approved by the City of Atlanta..." at the beginning of said condition.





ROBERT W. MADDOX
JOHN ANDREW NIX
THOMAS A. BOWMAN
ROBERT L. ZOECKLER
MARVIN J. HARKINS

MADDOX, NIX, BOWMAN & ZOECKLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
945 BANK STREET
POST OFFICE DRAWER 1017
CONYERS, GEORGIA 30012-1017

TELEPHONE: 770-922-7700
FACSIMILE: 770-922-8038
EMAIL: mnbz@mnbzfirm.com

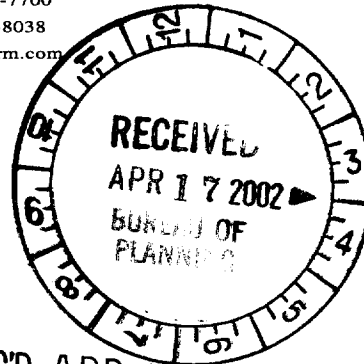
ATLANTA OFFICE:
170 MITCHELL STREET, S.W.
ATLANTA, GA 30303
404-524-0700

**PLEASE REPLY TO
CONYERS OFFICE**

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. John A. Bell
Assistant Director of Zoning and Planning
City of Atlanta
68 Mitchell Street, S.W., Suite 3350
Atlanta, Georgia 30335

9 April 2002



REC'D APR 17 2002

Re: 3617 Habersham Road / Z-01-98

Dear John:

I was recently asked by the Tuxedo Park Civic Association, Inc. to assist them in finalizing a set of zoning conditions on this file. Henry Feinstein, Esq., was asked to perform a similar task by the applicant. Mr. Feinstein and I have finalized the attached set of zoning conditions which have been approved by our respective clients. Provided that these conditions are made a part of this rezoning, the Tuxedo Park Civic Association supports this rezoning. (Additional documents not a part of the rezoning process itself also have been executed by the parties.)

We respectfully request that you present these conditions to the ZRB on 11 April 2002 and ask that the ZRB amend this rezoning action so as to add these conditions. My understanding is that you already have a stamped copy of the site plan referenced in condition #2.

Thank you very much for your assistance, and please do not hesitate to call if you have further questions.

Respectfully submitted,


Robert L. Zoeckler
Attorney for Tuxedo Park Civic Association, Inc.

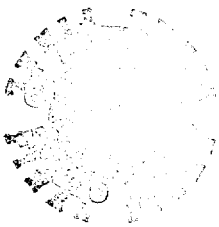
RLZ/mbc

Enclosure: Conditions

cc: Henry Feinstein, Esq., Attorney for Applicant
Sally Morgans, President, Tuxedo Park Civic Association, Inc.

Z-01-98

page 1 of 4



ZONING CONDITIONS Z-01-98

HABERSHAM MEWS

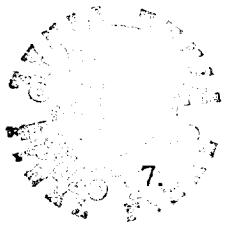
**3617 Habersham Road
Atlanta, Georgia**

1. The set backs, parking, building size, and similar restrictions shall be as follows:


Parking requirements	Plan B type homes: 4 spaces (2 car garage + 2 guest spaces) Plan C and D type homes: 3 parking spaces (2 car tandem garage + 1 guest space)
Front set back	Minimum 16ft
Rear set back	Site plan specific
Side set back	Site plan specific
Minimum square feet heated space	Plan B type homes: 2250 sq ft. Plan C type homes: 1400 sq ft. Plan D type homes: 1600 sq ft.
Maximum square feet heated space	None (but within limits of FAR)
Maximum building height	Three stories, not to exceed 45 ft.

Decks and porches may not intrude into interior or exterior set backs by more than 10 feet.

2. The Property shall be developed as an RG-3 site specific zoning in accordance with a Site Plan (hereinafter referred to as the "Site Plan") entitled "Habersham Mews, a Development by Eagle Real Estate Partners, LLC," prepared by Southern Civil Engineers, dated March 22, 2002, revised March 22, 2002, and stamped "Received by Bureau of Planning, March 26, 2002," and being Drawing Number SP-1 (Sheet 1 of 2), as may hereafter be supplemented or modified in accordance with requirements of the City of Atlanta.
3. The Property shall be developed in accordance with a tree-save plan which shall be a part of the Landscape Plan described in Condition 17, below. All trees to remain shall be identified and drip line/root protective fencing shall be in place around said trees prior to commencing grading.
4. Commencing from the time of building permit issuance for site development, a permanent No Parking zone shall be established along the northern side of Honour Avenue, running the entire length of Honour Avenue from Roswell Road to Habersham Road. This No Parking zone will include a restriction against the storage or staging of building materials and construction or related equipment.
5. A chain-link construction security fence will be installed by the Developer no later than two weeks from the commencement of grading work. The fencing may be removed during construction of the buildings to facilitate marketing.
6. The Developer shall install a temporary gravel driveway at the construction entrance to minimize the possibility of vehicle tires tracking mud onto Honour Avenue. Mud and other

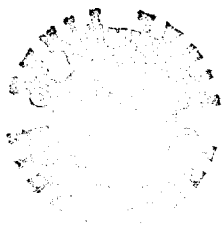


- materials spilled onto Honour Avenue will be removed within 24 hours.
7. The Developer shall install and maintain silt and erosion control fencing in accordance with State, County and City of Atlanta regulations.
8. Prior to sale of the first townhouse to a retail homebuyer, the Developer will form a mandatory homeowners association, to be called Habersham Mews Homeowners Association, Inc., or similar name ("HMHOA"), for the owners of the townhouses. The HMHOA will, among other rights and responsibilities, enforce the protective covenants, maintain the pool, streets and other common areas and provide for the proper exterior maintenance of the buildings. The HMHOA will be a member of the Association, and the owners of townhouses may be entitled to become members of the Association.
9. The HMHOA, at its expense, shall employ a licensed engineer to inspect the surface water drainage system every five years following the issuance of the final project certificate of occupancy. A copy of the engineer's report, together with a plan for any corrective action that may be necessary, will be furnished promptly to the Association. The HMHOA shall maintain the surface water drainage system so that it continues to meet or exceed its design criteria and performance with particular reference to the filtration system and release rate.
10. No work will commence on site, including clearing, grading or demolition of existing structures, until it is confirmed by the City of Atlanta that sufficient sanitary sewer capacity is available to serve the project when complete. The Developer will maintain the site in its condition at the date of closing of its purchase of the Property until such time as the above work commences.
11. The completed development will not have a central or community trash dumpster. All trash pick-up will be coordinated with the City of Atlanta utilizing individual portable trash receptacles for each residence.
12. If approved by the City of Atlanta, the Developer will install or cause to be installed a minimum of three speed humps along Honour Avenue, with spacing to be a minimum of 100 feet apart.
13. The predominant exterior finish will be brick with limited use of alternate materials, such as hard-coat stucco, wood or *Marley*® trim, and *Hardiplank*® siding for porches, siding over porches, chimneys, trim, columns, gables and architectural details, elevation relief and accents. The developer agrees not to use vinyl, hardboard, aluminum siding, or EIFS type stucco on any building. The building elevations facing Honour Avenue and Habersham Road shall be 100% masonry (except that chimneys, box bays and gables may be hard-coat stucco).
14. A fence will be built along the site's exterior boundaries, as shown on the Site Plan, comprising wrought-iron fencing between brick columns.
15. The site will have no more than two gated entrances on Honour Avenue. There will be no vehicular access allowed to either Habersham Road or Roswell Road.
16. Temporary site toilets will not be placed within 20 feet of Honour Avenue for the duration of the project.
17. The Developer shall deliver a professionally drafted landscape plan to the President of the Association at least fifteen (15) days prior to its submittal to the City of Atlanta. Said plan shall be in full compliance with the City of Atlanta Tree Ordinance and shall identify types,



sizes, and placement of all ground cover, plants, and trees. The Association shall have fifteen (15) days in which to provide comments to the Developer on said plan prior to its submission to the City. The Developer shall use its best efforts to incorporate all reasonable comments received from the Association into said plan prior to submission of said plan to the City.

18. Storm water will be retained at 100% and released at 80% in compliance with City of Atlanta requirements. Additionally, if necessary to exceed these City requirements, storm water will be retained and released at a rate not to exceed 80% of the rate existing at the Property prior to the commencement of development. A copy of the hydrology study will be provided to the Association and to The Honours Townhouses Association, Inc.
19. The Developer shall build a public sidewalk (5ft wide) along the boundaries of the Property on Roswell Road, Honour Avenue and Habersham Road. The sidewalk may be reduced in width to 4ft if the City of Atlanta Arborist determines that such reduction will assist in the preservation of an existing tree. If approved by the City of Atlanta, the sidewalk will be two (2) or more feet back from the curb where possible.
20. The Association and The Honours Townhouses Association, Inc. shall be given ten (10) days prior written notice of any requests for changes or amendments to the approved Site Plan or conditions, prior to their submittal to the City of Atlanta by the Developer or a builder, whether or not said proposed changes or amendments are deemed administrative or require City Council approval.
21. Unless required by the City of Atlanta, no street lights shall be installed on Honour Avenue.
22. These written conditions shall be printed on the front of the Site Plan referenced in Condition 2, above. In addition, a copy of these written conditions shall be affixed to each site plan submitted to any department of the City of Atlanta.

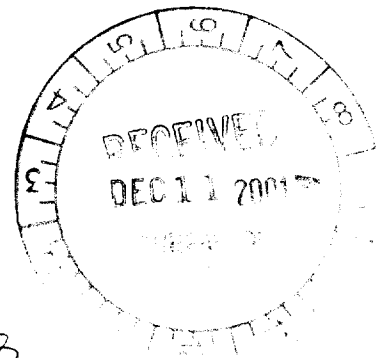


LEGAL DESCRIPTION

All that tract of land lying and being Land Lot 98 in the 17th District, City of Atlanta, Fulton County and being more particularly described as follows:

BEGINNING at a point at the intersection of the west right of way of Roswell Road with the north right of way of Honour Avenue;
thence along the right of way of Honour Avenue, North 84 degrees 42 minutes 39 seconds West, a distance of 239.82 feet to a point;
thence continuing along said right of way, along a curve to the right, said curve having an arc distance of 92.70 feet, with a radius of 1505.53 feet, at a chord bearing of North 82 degrees 56 minutes 49 seconds West, a chord distance of 92.68 feet to a point;
thence continuing along said right of way, along a curve to the right, said curve having an arc distance of 49.74 feet, with a radius of 102.22 feet, at a chord bearing of North 67 degrees 14 minutes 38 seconds West, a chord distance of 49.25 feet to a point;
thence North 53 degrees 18 minutes 17 seconds West, a distance of 202.09 feet to a point on the North right of way of Honour Avenue and the East right of way of Habersham Road;
thence along the right of way of Habersham Road, along a curve to the right, said curve having an arc distance of 163.39 feet, with a radius of 546.58 feet, at a chord bearing of North 63 degrees 0 minutes 22 seconds East, a chord distance of 162.79 feet to an iron pin;
thence continuing along said right of way along a curve to the left, said curve having an arc distance of 151.37 feet, with a radius of 1138.04 feet, at a chord bearing of North 67 degrees 45 minutes 35 seconds East, a chord distance of 151.26 feet to a point on the East right of way of Habersham Road;
thence South 35 degrees 0 minutes 7 seconds, East, a distance of 171.85 feet to an iron pin;
thence South 87 degrees 22 minutes 45 seconds East a distance of 19.95 feet to an iron pin;
thence South 81 degrees 42 minutes 52 seconds East, a distance of 156.23 feet to a point on the West right of way of Roswell Road;
thence along the said right of way South 8 degrees 5 minutes 23 seconds West, a distance of 141.65 feet to a point; said point being the POINT OF BEGINNING.

Said tract contains 92,563 square feet or 2.125 acres.



2
-01-98

RCS# 3740
5/20/02
2:52 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0107/Z-01-98
02-O-0475/Z-02-11; 02-O-0478/Z-02-14
ADOPT ON SUB

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE

02-C-0107

(Do Not Write Above This Line)

AN ORDINANCE Z-01-98
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE RG-3 (RESIDENTIAL GENERAL-SECTOR 3) DISTRICT, PROPERTY LOCATED AT 3607-3617-3625-3633 HABERSHAM ROAD, N.W./23-31-41 HONOUR AVENUE, N.W., FRONTING 3542-3550 ROSWELL ROAD, N.W., FRONTING 141.65 FEET ON THE WEST SIDE OF ROSWELL ROAD BEGINNING AT THE NORTHWEST CORNER OF HONOUR AVENUE. PROPERTY ALSO FRONTS APPROXIMATELY 315 FEET ON THE SOUTHEASTERLY SIDE OF HABERSHAM ROAD. DEPTH: VARIES; AREA: 2.125 ACRES; LAND LOT 98, 17TH DISTRICT, FULTON COUNTY, GEORGIA.

OWNER: VARIOUS

APPLICANT: EAGLE REAL ESTATE
PARTNERS, LLC

NPU-B COUNCIL DISTRICT 8

ADOPTED BY

MAY 20 2002

COUNCIL

SUBSTITUTE

☐ CONSENT REFER☒ REGULAR REPORT REFER☐ ADVERTISE & REFER☐ 1st ADOPT 2nd READ & REFER

Date Referred

2/4/02

Referred To:

ZEB & Zoning

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

COUNCIL ACTION

☐ 2nd☐ 1st & 2nd

Readings

☐ Consent☐ V Vote☒ RC Vote

CERTIFIED

CERTIFIED

MAY 20 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine M. Woodard

MAYOR'S ACTION

MAY 28 2002

Shirley Franklin
MAYOR